THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION Nos.21945 AND 22387 OF 1995

DATED: 31-10-2006

W.P.No.21945 of 1995

BETWEEN

APSRTC National Mazdoor Union,
Rep. by its Depot Secretary,
Rajendranagar Depot, Sri I. Yadagiri,
S/o. Ramaiah, Driver, R/o. Budwel,
Ranga Reddy District.

...PETITIONER

AND

The Commissioner of Labour,
Government of Andhra Pradesh,
Anjaiah Bhavan, RTC X Roads,
Hyderabad and others.

...RESPONDENTS

W.P.No.22387 of 1995

BETWEEN

The APSRTC National Mazdoor Union,
Rep. by its Depot Secretary of Visaka
Steel City Depot, Sri N. Subba Rao,
S/o. Rosaiah, Occ: Conductor,
R/o. Prahaladapuram, Visakhapatnam.

...PETITIONER

AND

The APSRTC,
Rep. by its Managing Director,
Mushirabad, Hyderabad and another.

...RESPONDENTS

COMMON ORDER:

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It is the case of the petitioner-union that the employees on whom the show cause notice dated 19.09.2005 and 26.09.1995 respectively have been issued calling upon them to submit explanation as to why seven days wages shall not be deducted in addition to their normal wage cut in terms of Section 9 of the Payment of Wages Act, 1936 (for short 'the Act') is illegal and arbitrary, as all the said employees are drawing wages more than Rs.1,600/- per month and as such the Act has no application for taking action against the employees/members of the petitioner-union.

Learned counsel for the petitioner-union submits that this Court in **TYRE RETREADING SHOP COMMITTEE v. APSRTC**[1] already held that the respondents have no authority in law to act against its employees, who are drawing wages of Rs.1,600/- or more per month under the Payment of Wages Act, 1936. Therefore, the said Act has no application to the members of the petitioner-union as they are drawing wages of more than Rs.1,600/- per month and no action can be taken under the Act.

Though it is the specific case of the petitioner-union that all the employees are drawing wages of more than Rs.1,600/- per month, no counter has been filed by the respondents disputing that the employees are not earning more than Rs.1,600/- per month.

Having regard to the facts and circumstances of the case and following the aforesaid judgment, the writ petitions are allowed. There shall be no order as to costs.

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V. ESWARAIAH, J

October 31, 2006
DSK

[1] 1999 (5) ALD 619